

MEMORIAL

OF

A NUMBER OF CITIZENS OF NEW YORK,

PRAYING

The passage of an international copyright law.

APRIL 24, 1838.

Referred to the Committee on Patents and the Patent Office, and ordered to be printed.

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the subscribers, American citizens, &c., friends of literature,

RESPECTFULLY SHOWETH:

That the attention of your memorialists has been particularly called to the subject of our existing copyright law. They sincerely believe that its alteration is demanded by many considerations of justice and policy. In explanation of their views, they respectfully beg leave to submit a few of the reasons which have influenced their opinions on the subject.

Our institutions are founded on a reliance upon the capacity and integrity of the people, and can only retain their stability while sustained by their honesty and intelligence. In this view we plainly recognise the importance of a literature, based upon popular principles, and adapted to the genius of our Government. Rapidly increasing in territory and population, it has now become our duty to provide ourselves with a literature which shall explain, defend, and disseminate our principles throughout our borders, which shall cement more strongly our Union, and urge our people forward in their onward career. To secure these objects, we must rely upon our own writers, Americans by birth, habits, and sentiments. Conceding to foreigners all requisite talent and good will, they are from many causes prevented from effectually aiding us. Their peculiar education, associations, and feeling, ought to preclude them from being selected for this office.

Our policy, different, and even adverse, to the principles prevalent throughout Europe, render us a shining mark for the envenomed arrows of jealousy and misrepresentation. Many have been the shafts already

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sped, and the quiver is by no means exhausted. It behooves us to avail ourselves of all means of just defence. That protection may be found in the fearless and able exertions of our native writers. Induced by every motive of patriotism to defend our institutions, they will hardly rest satisfied with remaining on the defensive. They will base their hopes of fame, and their claims to future remembrance, on the bold and manly promulgation of liberal sentiments. They will thus not only become the guardians of our country's fame, but the benefactors of our race.

Although some few of our authors have met with success, it is nought compared with the advancement to which we should have attained, if our laws had wisely protected the talent existing among us. The impolicy of those laws has been the most serious evil against which American genius has had to contend. We are aware that other reasons have been assigned for our comparatively slow advancement in liberal pursuits. It has been alleged that the whole energies of our people have been required for the improvement of the physical world about us; our forests were to be cleared; our morasses drained; our fields improved; and the means of a vast internal communication established. These were indeed our duties, yet they were but a portion of them, nor have they occupied the entire energies of our population. There has long existed, and even now exists, particularly in our cities and towns, a large and educated class, whose talents and leisure might have been made available, (had the laws but offered the slightest encouragement for their exercise,) for the moral and intellectual education of their fellow citizens. The labors of such men would have had the most salutary effects. They would have advocated American interests, and have infused American feelings and principles throughout the community.

The copyright law of the United States is an anomaly in civilized legislation. The effect of limiting the protection of copyright to citizens or residents, is as impolitic as it is unjust. It was no doubt introduced from the kindest feelings towards our native authors, although it has been ruinous, in the extreme, to their interests. Under this clause the publishers of the United States have, with some few honorable exceptions, become but mere re-publishers of foreign books, and our land has been deluged with a flood of ephemeral literature, that has been anything but favorable to our moral and republican notions. The case could hardly have been otherwise. The foreign book which has established its reputation at home, being here deprived of protection, can be obtained for nothing, and a reprint can be offered to the public at a trifling advance on the cost of its mechanical execution. An American work, on the contrary, having to afford both remuneration to the author, and profit to the publisher, must be charged at a higher rate. Besides, in the re-publication of a foreign book, there is scarcely any risk whatever of its popularity, while the success of the native writer is a problem that can be solved only by the result. Under these circumstances, what inducement can our writers hold out for the publication of their works? none, except an appeal to the liberality or patriotism of the publisher. However well disposed he may be, he cannot be expected to overlook the disadvantages under which he labors. With the best feelings towards the author, he is often compelled, from motives of prudence and self-interest, to avoid the risk. For this state of things *he* is not to be blamed, (unless he seeks its longer continuance for selfish objects,) but the *law* that imposes such a necessity upon him. As to the

anticipated increase in the price of books, from a change in the law, it is unnecessary to dwell upon it, except to remark, that fair competition in this business, as in others, will be attended by its necessary results. No doubt the ingenuity of our publishers will discover some mode of cheaply supplying the public, without wrong to the author, or disregard to the sacred rights of property.

Such are the grounds upon which we appeal to the good sense and patriotic sentiments of your honorable body. Confidently relying on the justice of our appeal, we beg respectfully to solicit the extension of the advantages of copyright to all, native or foreign, resident or non-resident. This measure (virtually an international copyright law) is not only demanded by a just regard to the property of foreign writers, but is imperatively required for the advancement of our own literature. And your memorialists, &c., &c.

Henry Ogden
James Campbell
Samuel Swartwout
M. S. Swartwout
Park Benjamin
David Hale
Hiram Ketchum
John L. Morton
Amos Palmer
G. S. Bedford, M. D.
J. Kearny Rodgers, M. D.
J. G. Adams, M. D.
John Torrey
John McVickers
Charles Anthon
Theodore Sedgwick, jr.
C. M. Sedgwick
W. A. Duer
Alex. H. Sterns, M. D.
Wm. Stevens
John Huthon
Samuel W. Moore, M. D.
James Porter, jr.
James Campbell
Edward C. Cooper, M. D.
James H. Titus
Philip J. Forbes
Wm. Inglis
James Nack
L. S. Nooks
Henry Pantou
Townsend Harris
Nelson Chase
E. Everson
Wm. M. Gillespie
Joseph Law
Henry Nicoll

John N. McLeod
James T. Watson
D. Hobart
Lir. Livingston
H. Caldwell O'Neil
J. Aug. Smith, M. D.
Geo. Ireland, jr.
John T. Gray, M. D.
Archer Hamersley, M. D.
Daniel Ullmann
Wm. Steele, M. D.
J. W. Hamersley
G. F. Bacon
Daniel Seymour
W. A. Jones
Ralph Lockwood
C. Eliot Scoville
Edward Ogden
Wm. Floyd Jones
Charles F. Grim
Charles Edwards
S. C. Williams
Prosper M. Wetmore
John O. Sargent
Thatcher T. Payne
John W. Mulligan
Henry C. Bowden
J. Charles Peters
James Macdonald, M. D.
Charles Welford
Wm. P. Hawes
J. Blunt
Ebenezer Palmer
Rufus Dawes
Geo. P. Morris
George Folsom
James Brooks

Wm. Dunlap
 Wm. Hall, jr.
 Geo. B. Rapelye
 Grenville A. Sackett
 Horatio S. Riley
 Alden J. Spooner
 F. Randolph Hulbert
 James B. Clarke
 J. M. Van Cott
 Geo. W. Spooner
 P. V. R. Stanton
 E. Collamore
 Clarence D. Sackett
 Geo. W. Schuyler
 Cleveland Coxe
 R. D. G. White
 Raymond H. Seely
 E. W. Dunham
 G. A. Parker
 George B. Kissam
 Edward Dunham
 Thomas Perkins
 Jas. B. Todd
 Charles Squire, jr.
 James Oakley
 Matthias H. Terry
 William P. Dexter
 A. Blake
 E. C. West
 C. Marie
 Henry Austin

Joseph K. Edgerton
 Charles E. Butler
 George B. Flowers
 Robert R. Raymond
 Thos. Hegeman
 Joseph Hegeman
 W. K. Northall
 Henry C. Murphy
 John W. Hunter
 Theodore Dwight, jr.
 R. W. Dow
 Evorn M. Johnson
 Samuel G. Arnold
 Richard S. Melbone
 James McLean
 Jos. Howard, jr.
 George W. Dow
 John H. Redfield
 H. P. Marshall
 A. G. Lee
 James H. Van Alen
 Jas. Kearney
 Edmund Coffin
 John Allen
 J. Turnbull
 N. Williamson
 S. Verplanck
 Felix Argenti
 Russell Trevett
 Cornelius Mathews
 James Renwick